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FILED
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

AT ALBUQUERQUE NM

MAY 20 1999

JOHN PATRICK HANRAHAN,

Plaintiff,

v.

ROBERT M. MARCH
CLERK

PAT RUILOBA, et al.,

Defendants.

No. CIV-99-0242 BB/LCS

MEMORANDUM OPINION AND ORDER OF DISMISSAL

This matter is before the Court *sua sponte* to consider Plaintiff's failure to respond to the order entered April 1, 1999, which directed Plaintiff to make an initial partial payment toward the required filing fee under 28 U.S.C. § 1915(b)(1). Although the Court may not dismiss a complaint "on the grounds of poverty," *Bell v. Whethel*, 127 F.3d 1109 (Table, text in Westlaw), 1997 WL 639319 (10th Cir. Oct. 14, 1997); 28 U.S.C. § 1915(b)(4), the sanction may be imposed for failure to comply with statutory requirements. *Pigg v. FBI*, 106 F.3d 1497 (10th Cir. 1997); and *cf. White v. Colorado*, 157 F.3d 1226, 1234 (10th Cir. 1998) (upholding constitutionality of "three strikes" provisions in § 1915(g)), *cert. denied*, --- U.S. ---, 119 S.Ct. 1150 (1999); *Schlischer v. Thomas*, 111 F.3d 777, 781 (10th Cir. 1997). Plaintiff's failure to comply with statutory requirements and a Court order demonstrates a manifest lack of interest in litigating his claims. The complaint will be dismissed.

IT IS THEREFORE ORDERED that Plaintiff's complaint is DISMISSED without prejudice, and this action is DISMISSED.


UNITED STATES DISTRICT JUDGE

5